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(These minutes have been seen by  
the Administration)

**Panel on Food Safety and Environmental Hygiene  
and Panel on Health Services**

**Minutes of Joint Meeting  
held on Tuesday, 12 December 2006 at 2:45 pm  
in Conference Room A of the Legislative Council Building**

**Members present** : Members of the Panel on Food Safety and Environmental Hygiene  
Hon Tommy CHEUNG Yu-yan, JP (Chairman)  
\* Hon Fred LI Wah-ming, JP (Deputy Chairman)  
Hon WONG Yung-kan, JP  
\* Hon Andrew CHENG Kar-foo  
Hon TAM Yiu-chung, GBS, JP  
Hon WONG Kwok-hing, MH  
Hon Alan LEONG Kah-kit, SC  
# Dr Hon KWOK Ka-ki

Members of the Panel on Health Services

Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Dr Hon YEUNG Sum  
Hon LI Fung-ying, BBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon LI Kwok-ying, MH, JP  
Dr Hon Fernando CHEUNG Chiu-hung

**Members Absent** : Members of the Panel on Food Safety and Environmental Hygiene  
\* Hon Vincent FANG Kang, JP  
Δ Dr Hon Joseph LEE Kok-long, JP

Members of the Panel on Health Services

Hon CHAN Yuen-han, JP  
Hon Bernard CHAN, GBS, JP  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP

- (Δ Also Chairman of the Panel on Health Services)  
(# Also Deputy Chairman of the Panel on Health Services)  
(\* Also members of the Panel on Health Services)

**Public Officers** : Mr CHEUK Wing-hing  
**Attending** Deputy Secretary for Health, Welfare and Food (Food & Environmental Hygiene)

Ms Bonnie YAU  
Principal Assistant Secretary for Health, Welfare & Food (Health) 1 (Acting)

Ms Rhonda LO  
Assistant Director (Operations) 3  
Food and Environmental Hygiene Department

Dr Shirley CHUK  
Senior Veterinary Officer (Veterinary Public Health)  
Food and Environmental Hygiene Department

Dr Thomas SIT  
Assistant Director (Inspection and Quarantine)  
Agriculture, Fisheries and Conservation Department

Dr Mary CHOW  
Senior Veterinary Officer (Farm)  
Agriculture, Fisheries and Conservation Department

Dr P Y LEUNG, JP  
Controller, Centre for Health Protection  
Department of Health

Dr TSANG Ho-fai, Thomas  
Consultant  
Community Medicine (Communicable Disease)  
Surveillance and Epidemiology Branch  
Centre for Health Protection  
Department of Health

Dr S H LIU  
Chief Manager (Infection, Emergency and Contingency)  
Hospital Authority

**Clerk in** : Miss Flora TAI  
**Attendance** Chief Council Secretary (2)2

**Staff in Attendance** : Ms Alice LEUNG  
Senior Council Secretary (2)1  
  
Ms Anna CHEUNG  
Legislative Assistant (2)2

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Action

**I Election of Chairman**

Mr Tommy CHEUNG was elected Chairman of the joint-Panel meeting.

**II Preparing for the peak season of avian influenza outbreak**

[LC Paper Nos. CB(2)587/06-07(01), (02), (03) & (04) and IN01/06-07]

Presentation by the Administration

2. Deputy Secretary for Health, Welfare and Food (Food & Environmental Hygiene) (DS(FEH)) said that the peak season of avian influenza outbreak among migratory birds and poultry in the South China region would soon commence. According to past experience, large number of migrating waterfowls, which were natural carriers of avian influenza viruses, would arrive Hong Kong and stay in the coming months, thereby increasing the risk of avian influenza outbreak. DS(FEH) said that, to reduce the risk of avian influenza outbreak in Hong Kong, the Administration had put in place various measures in respect of local poultry keeping, wholesale and retail poultry markets, import control, and enhanced the publicity efforts and public education activities, as detailed in the Administration's paper.

3. DS(FEH) said that, during the discussion of the Public Health (Animals and Birds) (Exhibition) (Amendment) Regulation 2006 in September this year, members requested the Administration to provide information on the overseas regulatory regime imposed on racing pigeons. In this regard, a brief summary of overseas regulatory control measures on racing pigeons was compiled, at Annex A to the Administration's paper, for members' information.

4. DS(FEH) further said that, to achieve the long-term objective of segregating humans from live poultry to minimise the risk of avian influenza infection, the Administration had planned to develop a poultry slaughtering and processing plant at Man Kam To Road in Sheung Shui. He advised members that an Invitation for Expression of Interest exercise would be conducted this week to ascertain market interest and to collate views of prospective operators on the operational and commercial arrangements for the project. The Administration's plan was to introduce

Action

the relevant legislation next year, which would put in place a licensing regime to regulate the management and operation of the plant and set out the general requirements including hygiene requirement for the licensed poultry slaughtering and processing plant.

5. Controller of the Centre for Health Protection (Controller/CHP) briefed members on the actions and measures taken by the Department of Health (DH) and the Centre for Health Protection (CHP) in the following areas, with details of which set out in the Administration's paper -

- (a) laboratory support for diagnosis for all suspected avian flu cases;
- (b) early detection and containment of pandemic influenza;
- (c) exercises and drills conducted to enhance the emergency preparedness of government departments;
- (d) stockpiling of antiviral;
- (e) collaboration with the Mainland and international health authorities; and
- (f) organisation of forums for different target groups and sector-specific briefings on sectoral contingency preparedness and response.

6. Controller/CHP informed members that the feasibility study for the development of the Communicable Disease Information System to further enhance and integrate the functional and analysis capabilities of computer systems for surveillance of avian influenza and other infections was completed in October 2006.

Admin The Administration would revert to the Panel on Health Services on the report of the feasibility study.

7. As regards the legislative framework against avian influenza, Controller/CHP said that a review of the Quarantine and Prevention of Disease Ordinance (QPDO) had been conducted with a view to bringing the legislative provisions in line with the requirements in the new International Health Regulations promulgated by the World Health Organisation (WHO) and updating the legal framework in respect of the performance of disease prevention and control functions and duties. It was aimed that the amendments to QPDO would be introduced in the 2006-2007 session.

8. Chief Manager (Infection, Emergency and Contingency) of Hospital Authority (CM(IEC)/HA) briefed members on the preparations for the peak season of avian influenza in the healthcare setting by the Hospital Authority (HA), as detailed in the Administration's paper. To align with the "Framework of Government's preparedness plan for influenza pandemic" the HA has adopted a new alert mechanism with effect from 1 July 2006 using the government's three response levels accordingly. HA had updated its contingency plan for influenza pandemic and its infection control plan for

Action

avian influenza in respect of the various different scenarios of the Government's Alert, Serious and Emergency Response Levels. The HA's plans covered various aspects including surveillance and notification, laboratory and diagnostic support, hospital and bed mobilisation plan, infection control strategy, stockpiling of protective personal equipment and drugs, staff deployment and communication. Outlines of the contingency plan for influenza pandemic had been uploaded to HA's website for the information of members of staff and the public. To enhance the emergency response of the hospital staff, more than 30 avian influenza exercises and drills had been conducted in the public hospitals under the management of HA.

9. CM(IEC)/HA said that HA participated in the Government's Influenza Vaccination Programme for 2006-2007 which would come to an end by December this year. Under the Programme, various target groups, such as elderly aged 65 or above with chronic illness and followed up in public clinics; poultry workers and those who may be involved in poultry culling operations; Comprehensive Social Security Association (CSSA) Scheme recipients with chronic illness regardless of age or elderly aged 65 or above etc, could receive free vaccination at the general outpatient clinics and specialist outpatient clinics. He added that the outpatient clinics would continue to arrange free vaccination service until early next year as there were some eligible persons under the Programme who, due to various reasons, had not been arranged to get vaccination before the expiry of the Programme.

Surveillance and preventive measures

10. Referring to Page 2 of the Information Note on Recent Developments in Avian Influenza on the cumulative number of confirmed human cases of H5N1 avian influenza reported to WHO, Dr YEUNG Sum enquired whether there was any recent case of H5N1 avian influenza infection in the Mainland and asked if there was an updated figure of confirmed cases of H5N1 avian influenza. Dr YEUNG asked whether the Administration considered the existing notification mechanism between the Hong Kong Government and the Mainland authorities effective, timely and reliable. He was afraid that there were cases where confirmed cases of avian influenza infection had not been notified or full details of which had not been provided due to worries about the impacts on economic activities.

11. DS(FEH) said that, in regard to H5N1 infections in birds/poultry, a notification mechanism with the Ministry of Agriculture had been put in place and was working well. Since the establishment of the notification mechanism, about 40 cases of H5N1 infections in birds/poultry were notified. Taking into account that notification of these infection cases were made instantly, the notification mechanism was considered effective.

12. Responding to the Chairman's question on the number of H5N1 cases in birds/poultry and humans in the Mainland in the last three months, DS(FEH) said that,

Action

as shown by the number of notified cases, there was no indication of an upsurge in the number of H5N1 cases in birds/poultry in the Mainland.

13. As regards the confirmed cases of H5N1 infections in humans, Controller/CHP responded that the notification mechanism with the Mainland health authorities on human infections was working well, with significant improvement in the notification mechanism over the past two years. He said that there were 21 cases notified by the Mainland authorities and the most recent case was on 14 August 2006, which was a fatal case. He added that the Mainland authorities not only notified confirmed cases of H5N1 infection but also highly suspected cases. Controller/CHP said that the Administration had strengthened its direct communication with the relevant authorities in Guangdong and maintained close communication with the Ministry of Health. With a view to establishing a cooperation mechanism among Guangdong, Hong Kong and Macao in the prevention and control of emergency public health incidents, the Administration had signed an agreement of cooperation on contingency measures with the health authorities in Guangdong and Macao. Experts from the three places formed an expert team on prevention and treatment of human avian influenza. Controller/CHP further said that the health authorities of the Mainland, Hong Kong and Macao organised a joint exercise on emergency response for avian influenza in November 2006. The joint exercise was aimed to test the emergency response and notification mechanism of the three places in handling cross-border public health emergencies.

14. Responding to the questions raised by the Chairman and Mr Fred LI on the illegal activities of smuggling live chickens into Hong Kong, Assistant Director (Operations) 3 of Food and Environmental Hygiene Department (AD(Operations)3/FEHD) said that the Food and Environmental Hygiene Department (FEHD) attached importance to its work in combating illegal activities of smuggling meat and live poultry into Hong Kong. In this regard, FEHD had set up a special task force to collect intelligence information on these activities. FEHD, the Police Force and the Customs and Excise Department would act upon information and complaints received to take joint enforcement actions against illegal import of meat and live poultry into Hong Kong. AD(Operations)3/FEHD said that one of the joint enforcement action taken was about two months ago where FEHD intercepted several thousands of live chickens smuggled into Hong Kong in a container truck.

15. Referring to this particular incident where several thousands of live chickens were intercepted, AD(Operations)3/FEHD stressed that this was an isolated case. She said that it was very rare to have several thousands of live chickens being smuggled into Hong Kong in container. Since this joint enforcement action, FEHD did not receive any intelligence information on smuggling activities of live chickens which were of a similar scale.

16. Mr Fred LI commented that the brief summary of overseas regulatory control measures on racing pigeons, as provided in Annex A to the Administration's paper,

Action

was biased and incomplete. He queried about the absence of reference information on the regulation of racing pigeons in the Mainland and Taiwan, where many racing pigeon activities were taking place. Mr LI asked whether the Administration had made reference to the regulatory regime of racing pigeons in these two places when considering the regulatory framework of racing pigeons in Hong Kong. He said that he maintained his view that it was not logical nor appropriate to regulate racing pigeons by the issuing of exhibition licences. He further asked whether the Administration would consider reviewing the regulation of racing pigeons in respect of the issuing of exhibition licences.

17. Assistant Director (Inspection and Quarantine) of Agriculture, Fisheries and Conservation Department (AD(IQ)/AFCD) explained that the purpose of the regulation of racing pigeons was to reduce the risk of avian influenza infections. In considering the regulatory framework for racing pigeons in Hong Kong, reference was made to countries which were more experienced in the control and management of the risk of avian influenza infections, notably USA.

18. The Chairman shared similar views with Mr Fred LI. He pointed out that, when discussing the Public Health (Animals and Birds) (Exhibition) (Amendment) Regulation 2006, some members questioned why racing pigeons was brought under the regulatory regime by issuing exhibition license and why the fees for the licences were charged so high. He said that, in some overseas countries, the licences for keeping racing pigeons were issued either free of charge or at a very low fees. The Chairman asked whether the Administration could provide any justifications in this aspect and whether reference had been made to the regulation of racing pigeons in the Mainland and Taiwan.

19. In response, DS(FEH) said that the Administration would provide information on the regulatory control measures on racing pigeons in other places, including the Mainland and Taiwan.

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20. Apart from the testing of faecal samples from wild birds and the closing of Mai Po Nature Reserve and Hong Kong Wetland Park if a bird was found to be infected by avian influenza viruses within a 3-kilometer radius of these sites, Ms LI Fung-ying asked whether there were any other effective measures for the surveillance of wild birds.

21. DS(FEH) said that, given that it was not possible to catch or cull all wild birds, personal hygiene would be important in preventing infection of avian influenza. He added that Prof YUEN Kwok-yung gave similar views in his submission to the joint-Panel meeting.

22. Dr KWOK Ka-ki said that he learned from some medical practitioners in the private market that there was a shortage of influenza vaccines in the market. He asked

Action

how the Administration would assist in ensuring an adequate supply of influenza vaccines to private medical practitioners.

23. Controller/CHP said that, around middle of the year, there were some concerns amongst private medical practitioners that the supply of influenza vaccines was not adequate. In the light of their concerns, the Administration had returned 50,000 vaccines to the suppliers so that they could have adequate supply to meet the demand from the private practitioners. He further said that there was adequate supply of influenza vaccines in the market at present. As reflected by the suppliers, the demand from the private practitioners was below 50,000. However, the Administration stood ready to mobilise the vaccines stockpile in case there was a need.

24. Noting that the legislative amendments to QPDO would be introduced in the 2006-2007 session, Dr KWOK Ka-ki asked if the Administration could have sufficient time to formulate the legislative proposals. Principal Assistant Secretary for Health, Welfare and Food (Health)1 (Acting) replied that the Administration's preliminary plan was to consult the Panel on Health Services on the proposed amendments to the Ordinance in February 2007 and to introduce the legislative proposals in the 2006-2007 session.

Findings of Prof GUAN Yi's research on H5N1 virus

25. Regarding WHO's responses to Prof GUAN's research findings, the Chairman said that he had two copies of media reports in hand on WHO's responses and would like to circulate to members for reference.

*[Note : Copies of the two media reports from Wenhui Bao dated 9 December 2006 and Xinhua Wang dated 10 December 2006 were distributed to members at the meeting.]*

26. Mr Andrew CHENG said that, as stated in Prof GUAN Yi's research paper on the emergence of an H5N1 avian influenza variant in the Mainland, 'Fujian-like' viruses were replacing other virus lineages and becoming the dominant lineage within the genotype in southern China and even a compulsory vaccination programme in the Mainland was ineffective. The Mainland authorities had publicly refuted Prof GUAN's findings and the Secretary of Health, Welfare and Food (SHWF) had also made some comments on the same subject. He said that, though he could not recall the exact wordings of SHWF's comments, he was given the impression that SHWF commented that scientists should not make exaggerated and alarmist reports for their research findings, which should be based on scientific evidence. In the light of this, he requested the Panel on Health Services to discuss the issue, particularly about SHWF's comments on Prof GUAN's findings. Mr CHENG opined that the Administration should give support to local scientists in conducting their researches, rather than taking a disapproving and opposing stance to their research findings. Having regard to the high standing of Prof GUAN's research in international academic

Action

circle and the contribution of his research papers to the prevention of avian influenza, he asked about the Administration's views on Prof GUAN's research findings.

27. Controller/CPH said that, from the perspective of public health protection, the Administration attached importance to research findings conducted by scientists. He said that, given that H5N1 virus was changing from year to year, WHO advised that the risk level of pandemic H5N1 remained unchanged. In the light of the genetic changes of H5N1 virus, it remained possible that the existing vaccines currently used in birds/poultry might not be effective in the future. Controller/CPH added that none of the vaccines presently available are proven to be highly efficacious in the treatment or prevention of avian influenza infection in humans. The Administration would continue to monitor the effectiveness of existing vaccines used in birds/poultry.

28. As regards Prof GUAN's research findings, Controller/CPH said that, as far as he knew, WHO indicated that the confusion was caused by the naming of the H5N1 variant. An international working group would be set up to standardise the naming of avian influenza viruses.

29. On the Administration's stance on scientific researches, DS(FEH) supplemented that the Administration always respected scientific research studies and the freedom of scientists to conduct scientific researches. It was however not the place of the Government to give particular views on controversies regarding scientific researches. DS(FEH) reiterated that the existing vaccines used in live chickens in local chicken farms were effective and the imported live chickens from the Mainland were tested negative for H5N1 influenza virus. He stressed that the Administration would continue to monitor genetic changes in H5N1 influenza virus and assess the effectiveness of the vaccines currently used in live chickens.

30. Referring to the last paragraph of Prof GUAN's submission to the joint-Panel meeting, Mr Fred LI expressed concern about the statement that, even with a compulsory vaccination program in the surveillance region, H5N1 influenza appeared to continue silently circulating in market poultry and that the possibility of further H5N1 human infection was increased in this winter. Mr LI asked about the efficacy of the current vaccines used in live chickens.

31. In response, DS(FEH) said that, as he had said earlier, the Administration would not comment on the views given by scientists/experts on the naming of the H5N1 virus variants. He stressed that, according to WHO's advice, there was no new strain of virus and the risk of avian influenza had not been increased. In the light of the negative test results of live chickens imported from the Mainland, the existing vaccines used in live chickens remained effective.

32. Mr WONG Yung-kan said that, in his view, Prof GUAN's research findings were exaggerated and alarmist reports that were based on 'unauthentic' data.

Action

Nonetheless, having regard that the subject of avian influenza was of great concern to the world and Hong Kong, clarification on the findings was considered warranted.

33. Referring to paragraphs 6.8 to 6.10 of the Information Note on Recent Developments in Avian Influenza that there was a new virus variant, Dr KWOK Ka-ki asked whether the Administration had assessed the impact of it. He said that, in view of the difference in views on the findings of Prof GUAN, it would be even more difficult for local scientists to get samples from the Mainland to conduct researches on avian influenza. He further asked how the Administration would assist local scientists to conduct first-hand research and facilitate intellectual exchange between local scientists and their counterparts in the Mainland.

34. DS(FEH) repeated the Government's respect for academic research and the view that Government should refrain from commenting on individual researches. According to WHO, the confusion was due to the naming of the strain H5N1 variants. He stressed that the vaccines currently used in live chickens in local farms remained effective and the test results of the live chicken imported from the Mainland were negative.

35. The Chairman said that Prof GUAN stated in his submission that H5N1 genotype Z virus remained dominant. However, in the newspaper reports that were distributed to members at the meeting, it was reported that, according to WHO, the so-called 'Fujian-like' virus, which had been confirmed in 2005, was not a new virus. He further said that if the virus had already been found in 2005, the vaccines which were developed in 2005 should remain effective. He wondered whether SHWF's comments that the findings of Prof GUAN's research were exaggerated and alarmist were made on this ground. He sought clarification from the Administration.

36. DS(FEH) said that he could not represent SHWF to answer this question. However, according to his understanding, SHWF did not make any such comments on Prof GUAN's research findings. SHWF's response was only a general statement on the principle of conducting any scientific research, where research findings should be objective and based on scientific methodology. He considered that no one would dispute this principle. He stressed again that, according to WHO, the confusion was due to the difference in the naming of virus variant and that the risk of avian influenza outbreak had not been increased.

37. The Chairman said that, taking into account that the research was conducted by a local scientist and that different views were given by overseas scientists/experts, he considered that the Government should follow up on the findings of the study, particularly on whether there was a new virus variant found in 2006. The Chairman stressed that the Administration had an obligation to explain the situation to the general public.

Action

38. DS(FEH) reiterated that, according to WHO, the risk of pandemic influenza had not been increased. He recalled that one expert participating in the research of Prof GUAN's study told the media that there was no indication that 'Fujian-like' virus posed higher threat of avian influenza in Hong Kong. In view of the findings of Prof GUAN's research, the Administration had reviewed the surveillance measures put in place and concluded that the risk of avian influenza outbreak had not been increased.

39. Controller/CPH supplemented that DH would continue to liaise with WHO on the development of the matter. He pointed out that, as explained by WHO, there was no standardisation of the naming of virus variant which was the reason for the confusion. The Administration would provide members with further information when WHO provided information on the development of the naming of the virus variants.

Development of the slaughtering and processing plant

*Impact on the livelihood of poultry workers and related trades*

40. Noting from the Administration's paper, Mr WONG Kwok-hing said that the sale of live poultry in retail outlets would be prohibited after the coming into operation of the slaughtering plant in 2009-2010. He asked what measures the Administration would propose to address the unemployment problem of poultry workers. Mr WONG further said that a motion urging the Government to introduce relief measures and compensation policies to the live poultry trades was carried at the Council Meeting on 29 November 2006. He criticised that the Administration's response that unemployed poultry workers could apply CCSA was merciless. He further asked whether the Administration would consider any proposal to assist causal workers in the poultry trade. Mr WONG also questioned why the Administration could not make reference to the records on free vaccination offered to poultry workers as documentary evidence to prove their employment in the trade.

41. DS/FEH replied that, given that the slaughtering plant would not come into operation until 2009-2010, the Administration would have sufficient time to work out future arrangements for the affected trade. The Administration would consult the Panel on Food Safety and Environmental Hygiene (FSEH Panel) on the proposals for arrangements.

42. Mr WONG Kwok-hing expressed strong dissatisfaction with the Administration's response. He said that the poultry workers had been suffered from unemployment and financial hardship at present. He also criticised that the Government was irresponsible in turning a blind eye to the strong call of the Members for providing financial assistance to poultry workers to assist them to tide over their financial hardship.

Action

43. The Chairman said that, given that the Administration had already planned to invite tender for the slaughtering and processing plant next year, he considered that it was not too early now for the Administration to consider the proposals for ex-gratia payment/financial assistance to the affected trades. He pointed out that sufficient time should be allowed for the preparatory work, including discussion with the affected trades, proposals for ex-gratia payment/financial assistance, consultation with the FSEH Panel and submission to the Finance Committee for approval etc.

44. DS(FEH) said that the Administration appreciated members' concerns about the impact of the development of plant on the livelihood of poultry workers and related trades. The Administration would consult the FSEH Panel about the arrangements/proposals for ex-gratia payment/financial assistance as early as possible.

45. Mr WONG Kwok-hing asked when the Administration would consult the FSEH Panel. DS(FEH) responded that the Administration's plan was to invite tender for the slaughtering and processing plant between August to November 2007. After the tender exercise, the Administration would consult the FSEH Panel on the proposals for the affected trades.

46. Mr WONG Kwok-hing said that he remained of the view that the Administration should consult the affected trades and work out any proposals before the invitation for tender for the slaughtering and processing plant.

47. Mr WONG Yung-kan said that he personally did not support the development of the slaughtering and processing plant and was worried about the livelihood of the poultry workers. In his view, the Administration should explain clearly to the affected trades on the long-term direction/arrangements of the live poultry trade in Hong Kong before the tender exercise and conduct a study on the impact of the development of the slaughtering plant on members of the affected trades. Mr WONG further said that he did not wish to see that a large number of unemployed workers of the poultry trade and other related trades to apply CSSA. He hoped that the Administration would consider proposals to assist the poultry trade and other related trades.

48. Ms LI Fung-ying criticised that the Government policies were biased and that the Government policy on poultry trade would wipe out the whole trade. She questioned whether the Administration had considered the impacts on the workers in live poultry trade and other related trades, e.g. the suppliers of the feeds and transporters, before formulating a new policy. The change in policy would also have impact on the whole employment market. Noting from the Administration's paper, Ms LI pointed out that there were 70 live poultry wholesalers and more than 400 retailers who did not applied for the voluntary surrender scheme for licences/tenancies. The livelihood of the poultry workers, who were currently working for these wholesalers and retailers, would be affected by the development of the slaughtering plant. Ms LI enquired if the Administration had estimated the number of members of the trades that would be affected by the development of the

Action

slaughtering plant and whether a study on the impact on the employment market had been conducted.

49. DS(FEH) said that, when the voluntary surrender scheme was launched, the live poultry trade was fully aware that the fundamental modes of operations of the poultry industry, including production, marketing and sales, would be changed. Although the sale of live poultry at retail outlets would be prohibited upon the operation of the slaughtering plant, the poultry retailers could continue to operate their business by switching to the sale of chilled poultry. He added that the Administration would do its best to minimise the impact of the development of the slaughtering plant on the livelihood of members of the live poultry trade. The Administration would consult FSEH Panel on the proposals for arrangements on the affected poultry workers when appropriate.

50. Ms Li Fung-ying expressed dissatisfaction with the Administration's response. She said that the livelihood of the trade was affected by the change in Government policy. Given that there were other retailers currently in operation in the chilled poultry trade, it would not be practicable for the existing live poultry retailers to switch to the sale of chilled poultry. It would not be possible for them to compete with the existing operators. She hoped that the FSEH Panel would follow up on the subject.

51. In response, the Chairman said that, taking note of members' grave concern on the livelihood of the poultry workers and members of the affected trades, the FSEH Panel would discuss this issue at its meeting to be held in March 2007.

*Financial viability of the plant*

52. Referring to the observations made during the FSEH Panel's duty visit to study the operation of poultry slaughtering in Singapore and Kuala Lumpur, Mr TAM Yiu-chung said that there were 10 poultry slaughtering plants in different locations in Singapore and that one of the main reasons attributing to the viability of the operation of poultry slaughtering plants in Singapore was the banning of chilled chickens from other places. He noted from the Administration's paper that the operator of the slaughtering and processing plant in Hong Kong would be required to reserve sufficient capacity for the slaughter of chickens produced by local poultry farms and to provide poultry slaughtering services for importers of poultry from the Mainland on request. Given that it would be cheaper to import chilled chickens from the Mainland, he doubted very much whether there would be a demand for slaughtering service from the importers of Mainland live chickens. Mr TAM was worried about the financial viability of the slaughtering plant in Hong Kong, in particular, the plant would be developed under a Build, Own, Operate and Transfer arrangement. He expressed concern that no operator in the market would be interested in operating the plant and asked whether the Administration had considered this issue.

Action

53. DS(FEH) said that this issue had been discussed at previous meetings of the FSEH Panel. According to the report on the financial feasibility study for private sector participation in the slaughtering plant, the slaughtering plant was financially viable. As stated in paragraph 35 of the Administration's paper, an Invitation for Expression of Interest exercise would be conducted in this week, with deadline for reply by mid January 2007. Through the exercise, the Administration could ascertain market interest and collate views of prospective operators on the operational and commercial arrangements for the project.

54. Mr TAM Yiu-ching further asked whether the Administration would consider banning chilled chickens from other places so as to ensure that the plant would be financially viable.

55. DS(FEH) responded that, with better regulatory control over the hygienic conditions of the plant, chilled chickens which were freshly slaughtered in Hong Kong should have an edge over the chilled chickens from the Mainland. He said that the Administration would state clearly in the Invitation for Expression of Interest that the importation of chilled chickens from the Mainland was allowed. The commercial decision on whether or not to operate the plant should be left to the individual operators of the trade. DS(FEH) added that, given that the Invitation for Expression of Interest would be conducted in this week, the Administration would not make any guess about the market responses at this stage.

56. Mr WONG Yung-kan expressed grave concern that the live poultry trade in Hong Kong would be wiped out eventually. He doubted if the Administration had conducted any study on the impact of the development of the slaughtering plant on the affected trades. He asked whether the Administration would consider offering any privileged terms to the operator of the plant, e.g. land allocation or interest free loan, if the Administration did not receive any reply to the Invitation for Expression of Interest.

57. DS(FEH) stressed that, according to the report of the financial feasibility study, the plant was considered commercially viable. Given that the plant was a commercial operation, it was considered not appropriate to offer any privileged terms to the operator of the plant.

58. The Chairman asked whether the Administration had any other options in hand to prepare for the circumstance that there was no submission for the tender. DS(FEH) responded that the Invitation for Expression of Interest would be conducted in this week, with the deadline for reply in mid January 2007, and the tender exercise during August to November next year. In the light of this, the Administration would not make any guess about the market responses at this stage as that might give a wrong signal to the trade.

59. In response to the Chairman's enquiry, DS(FEH) said that the Administration

Action

would revert to the Panel on the outcome of the Invitation for Expression of Interest exercise in March next year.

60. As regards the Chairman's question about the supply of freshly slaughtered chickens, DS(FEH) said that the Administration was open-minded about the supply of freshly slaughtered chickens to market by the slaughtering plant. However, the decision on whether to supply freshly slaughtered chickens would be for the future operator of the plant to make.

*Risk of avian influenza infection*

61. Mr WONG Kwok-hing said that, as stated in the Administration's paper, the development of the slaughtering plant was a long-term objective of the Government's policy in reducing the risk of avian influenza. In this regard, he asked what measures would the Administration put in place if there was an avian influenza outbreak in Hong Kong after the plant came into operation.

62. DS(FEH) said that, if the outbreak was of a short duration, the banning of the import of live chickens would be one of the interim measures to contain the outbreak.

63. Mr WONG Kwok-hing further asked whether the Government could assure that the risk of avian influenza outbreak would be eradicated after the coming into operation of the plant. DS(FEH) responded that the risk of avian influenza would be greatly reduced after the plant came into operation as the plant was situated in Man Kam To Road, Sheung Shui, which was only about five-minute's drive from the border. The plant would adopt an enclosed and nuisance containing system, where chickens would be kept inside and within an entirely enclosed environment. Other safety measures would also be put in place to prevent the infection of avian influenza.

64. Mr WONG Kwok-hing said that, given that the retailers of live chickens had already implemented improvement measures, which were advocated by the Administration, at retail markets and fresh provision shops. He wondered why the Administration could not allow these retailers to continue their business.

65. DS(FEH) said that the most effective approach to minimise the risk of avian influenza infection in humans was to segregate humans and live poultry by developing a slaughtering plant. He added that similar views were shared by experts including Prof YUEN Kwok-yung.

66. Mr WONG Kwok-hing commented that there was an absence of a proper long-term Government policy on agriculture and fisheries. He said that it was not necessary to wipe out the whole poultry trade to achieve the aim of preventing avian influenza infections. He cited the preceding 'Ka Mei chickens' of Kardoorie Farm as a very good example that would help the development of local agriculture and fisheries.

Action

67. DS(FEH) explained that local poultry farms could continue to operate even after the coming into operation of the slaughtering plant. Given that the sale of live poultry at retail outlets would be prohibited, all live poultry would have to be slaughtered at the proposed slaughtering plant.

68. Mr WONG Kowk-hing said that, if local farms were allowed to continue to rear live chickens, he wondered why the Administration could not set up several slaughtering plants in various locations. The Chairman shared Mr WONG's views. The Chairman added that he was concerned about the monopolistic situation of the slaughtering plant if there was only one slaughtering plant in Hong Kong.

69. DS(FEH) explained that, under the existing mode of operation, it would be difficult to achieve human-poultry segregation as there were poultry stalls in the markets. During the transportation of live poultry from the farms to the markets, the poultry workers and customers would be exposed to the risk of avian influenza. The proposal for developing a slaughtering plant to minimise the contact between the public and live chickens was also supported by medical sector and scientists. With the operation of the central slaughtering plant, all live chickens would be transported to the plant for slaughtering. On the concern on the monopoly of the plant, DS(FEH) said that the Administration would state clearly in the Invitation for Expression of Interest and tender that the operator of the plant was required to reserve sufficient capacity to meet the demand of local farms and that the same slaughtering charges should be applied. He added that the operator of the plant was allowed to operate the business of slaughtering and processing business, e.g. cutting of poultry into small pieces and preparation of barbecue packs.

70. Mr WONG Kwok-hing opined that a central slaughtering plant for all live poultry would pose a higher risk of avian influenza outbreak than having several slaughtering plants in various locations. He maintained his view that the Administration should consider allowing the existing live poultry retailers to continue their business by enforcing more stringent safety requirements.

71. DS(FEH) stressed that the arrangement for transporting all live chickens to the slaughtering plant would not increase the risk of avian influenza. He explained that, if there were several plants in various locations, the extent and speed of avian influenza infections would be even greater.

72. Mr WONG Yung-kan said that there were no chicken farms in Shenzhen and all the registered chicken farms were located in other cities in the Mainland. All live chickens exported to Hong Kong had been inspected and gone through quarantine checking. Live chickens were transported from these chicken farms via Shenzhen to Hong Kong. If there was a risk of avian influenza, the people living along the transportation route in the Mainland would face a higher risk of infection than the Hong Kong people. Mr WONG further said that the new design of poultry stalls, which was commonly known as 'chicken boutique', were advocated by the

Action

Government and the trade was fully cooperative in implementing the improvement measures as advocated by the Government. In this respect, he hoped that the Administration would take into account the livelihood of the trade and reconsider the development of the slaughtering plant. He said that the farmers, wholesalers and retailers who had applied for voluntary surrender scheme suffered from financial hardship after returning their licences/tenancies. It was not easy for them to switch to other trades even if they had completed re-training courses. He considered that the Administration should not address this issue in a hasty manner. Mr WONG commented that the Administration should not only take into account the views of a particular scientist.

73. DS(FEH) said that he could not agree with the view that the Administration's responses to members' questions were given in a hasty manner. He explained that the professional departments under the Bureau had conducted a review and assessment on the subject and that the development of slaughtering plant was considered as the best approach to segregate humans and live poultry.

74. DS(FEH) further pointed out that people living along the route of transportation in Hong Kong would not be posed with a higher risk of avian influenza infection after the coming into operation of the slaughtering plant. Upon the operation of the plant, all vehicles transporting live chickens from the Mainland to the plant would be required to be covered with a net to prevent flying of loose feathers and posing any health risk to the public. He added that, according to some public opinion surveys, the public was supportive of the development of the poultry slaughtering plant. Hong Kong could not afford to experience another avian influenza outbreak that could lead to a major public health incident and cause immense economic loss.

75. Mr WONG Yung-kan reiterated his dissatisfaction that the Government only took into account the views of certain scientists and ignored the opinions of the affected trades who were socially disadvantaged.

### **III. Any Other Business**

#### Suspension of supplies of fish and sea food by Mainland fish traders

76. Having regard to the recent suspension of supplies of freshwater fish, marine fish and sea food by the Mainland traders, Mr Fred LI said that he would like to seek clarification from the Administration on whether the legislative proposals for regulating aquatic products would be introduced sooner than the original plan as advised by the Administration at previous meetings of the FSEH Panel.

77. The Chairman asked the Administration whether they could respond to Mr Fred LI's question on the legislative timetable for the regulation of aquatic products, including marine fish, shrimps and crabs. DS(FEH) said that the Administration was

Action

considering the regulatory control over aquatic products and it aimed to introduce the relevant legislative proposals in the latter part of the 2006-2007 session. He added that the Administration would consult the FSEH Panel on the legislative proposals for the regulation of eggs in January 2007.

78. Mr Fred LI said that he recalled that the Administration had advised the FSEH Panel at previous meetings that the legislation of aquatic products would be introduced in the 2007-2008 session. He asked whether the legislative timetable for the regulation of aquatic products had been advanced in the light of the recent spate of food safety incidents. DS(FEH) replied that the Administration hoped that the relevant legislative proposals could be introduced in the 2006-2007 session.

79. Mr WONG Yung-kan said that he learned from television news that the Administration would strive to resume the supply of Mainland freshwater fish to Hong Kong before the winter solstice. As regards the regulatory control over aquatic products, he asked whether the Administration would consider expediting the process of enacting the relevant legislation. He said that, unlike the Hong Kong Government, the Mainland authorities had stepped up its efforts in regulating aquatic products and expedited its process of enacting the relevant legislation to regulate aquatic products.

80. DS(FEH) said that he had a meeting with the Guangdong Entry-Exit Inspection and Quarantine Bureau (GDCIQ) to discuss the supplies of freshwater fish, marine fish and sea food by the Mainland. He was not informed of any plan of the Mainland authorities to enact legislation to regulate aquatic products. Having regard to the recent incident of detection of residues of harmful substances in the samples of fish from the Mainland, the Guangdong and Shenzhen Entry-Exit Inspection and Quarantine Bureaux had stepped up inspection procedures to ensure food safety of aquatic products.

81. DS(FEH) pointed out that, at present, there was control over the supply of freshwater fish imported from the Mainland. Under the existing administrative arrangement with the Mainland authorities, the import of the freshwater fish must be from the registered freshwater fish farms in the Mainland, which were approved by the FEHD, and accompanied with health certificates. The administrative arrangement was working well and effective. As regards the regulatory control of marine fish, DS(FEH) said that, given that about 30% to 40% of marine fish was imported from the Mainland, the Administration was considering expediting the process of enacting the relevant legislation with a view to enhancing the regulatory control measures over aquatic products.

82. Mr WONG Kwok-hing said that, in view of the recent spate of incidents related to the discovery of harmful substances in eggs and aquatic products, the public had lost their confidence in the consumption of food imported from other places. He asked about the Administration's plan to restore the public's confidence in food safety.

Action

83. DS(FEH) said that, as explained by the Centre for Food Safety in its press releases, the level of harmful substances detected in the food samples of eggs and fish would pose a very low health risk to human under normal consumption. On the supplies of aquatic products from the Mainland, DS(FEH) reiterated that he had a meeting with GDCIQ on 11 December 2006 and exchanged views on the concerns of the Mainland operators of the cultured fish farms over their fish exported to Hong Kong. To alleviate their concerns, the Administration had sought assistance from GDCIQ in clarifying the procedures of the existing food safety inspection and quarantine arrangements to them. Having regard to the time involved in the communication between the Mainland authorities and the fish farmers, it was expected that the supply of Mainland freshwater fish to Hong Kong would be resumed before the winter solstice. As regards the supply of marine fish and sea food, DS(FEH) said that he hoped that the supply would be resumed on the next day (i.e. 13 December 2006) when Guangdong authorities completed the inspection and quarantine work. He clarified that the suspension of the supplies of aquatic products from the Mainland was not due to the imposition of a ban on exporting aquatic products to Hong Kong by the Mainland authorities.

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84. Noting the Administration's responses, Mr WONG Kwok-hing said that he hoped that the Administration would consider providing a detailed discussion paper on the regulatory regime of aquatic products to the FSEH Panel when the Panel was consulted with the subject, instead of providing piecemeal information on the Administration's responses to food safety crises.

85. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 2  
Legislative Council Secretariat  
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